

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ALACRITECH, INC., Plaintiff, v. TIER 3, INC., SAVVIS COMMUNICATIONS CORP., CENTURYLINK COMMUNICATIONS LLC, Defendants.	Case No. 2:16-cv-693-JRG LEAD CASE JURY TRIAL DEMANDED
ALACRITECH, INC., Plaintiff, v. DELL, INC., Defendants.	Case No. 2:16-cv-695-JRG JURY TRIAL DEMANDED

PLAINTIFF'S ANSWER TO DEFENDANT DELL'S COUNTERCLAIMS

Plaintiff Alacritech, Inc. ("Alacritech") hereby files this Answer to the Counterclaims contained in Defendant Dell, Inc.'s ("Dell") Answer and Counterclaims (Dkt. No. 27) as follows:

COUNTERCLAIMS

136. Paragraph 136 of Dell's Counterclaims does not require a response by Alacritech. To the extent a response is deemed required, Alacritech admits that Dell purports to allege Counterclaims against Alacritech.

THE PARTIES

137. Upon information and belief, Alacritech admits the allegations of Paragraph 137 in Dell's Counterclaims.

138. Alacritech admits the allegations of Paragraph 138 in Dell's Counterclaims.

JURISDICTION AND VENUE

139. Alacritech admits that Dell's Counterclaims arise under the United States Patent Act and the Declaratory Judgment Act. Alacritech admits that this Court has jurisdiction over these Counterclaims. Alacritech denies any remaining allegations in Paragraph 139.

140. Alacritech admits that this Court has personal jurisdiction over Alacritech for purposes of this action. Alacritech admits that venue is appropriate in this District for purposes of this action. Alacritech denies any remaining allegations in Paragraph 140.

FACTUAL ALLEGATIONS

141. Alacritech admits the allegations of Paragraph 141 in Dell's Counterclaims.

142. Alacritech denies the allegations of Paragraph 142 in Dell's Counterclaims.

143. Alacritech denies the allegations of Paragraph 143 in Dell's Counterclaims.

FIRST COUNTERCLAIM
(Declaratory Judgment of Non-Infringement)

144. Alacritech repeats and realleges the foregoing paragraphs of this Answer as though set forth herein.

145. Alacritech denies the allegations of Paragraph 145 in Dell's Counterclaims.

146. Alacritech admits the allegations of Paragraph 146 in Dell's Counterclaims.

147. Alacritech denies the allegations of Paragraph 147 in Dell's Counterclaims.

148. Paragraph 148 of Dell's Counterclaims does not require a response by Alacritech. To the extent a response is deemed required, Alacritech denies the allegations of Paragraph 148 in Dell's Counterclaims.

SECOND COUNTERCLAIM
(Declaratory Judgment of Invalidity)

149. Alacritech repeats and realleges the foregoing paragraphs of this Answer as though set forth herein.

150. Alacritech denies the allegations of Paragraph 150 in Dell's Counterclaims.

151. Alacritech admits the allegations of Paragraph 151 in Dell's Counterclaims.

152. Alacritech denies the allegations of Paragraph 152 in Dell's Counterclaims.

153. Paragraph 153 of Dell's Counterclaims does not require a response by Alacritech. To the extent a response is deemed required, Alacritech denies the allegations of Paragraph 153 in Dell's Counterclaims.

PRAYER FOR RELIEF

Alacritech denies all allegations contained in the section entitled "Prayer for Relief," and further denies that any relief should be granted to Dell whatsoever, either as requested in its Counterclaims or otherwise.

JURY DEMAND

Alacritech demands a jury trial for all issues so triable.

RESERVATION OF AFFIRMATIVE DEFENSES

Alacritech hereby reserves the right to assert affirmative defenses as discovery proceeds in this case.

DENIAL OF ANY REMAINING ALLEGATIONS

Except as specifically admitted herein, Alacritech denies any remaining allegations in Dell's Answer and Counterclaims that are directed at Alacritech.

Dated: September 12, 2016

QUINN EMANUEL URQUHART &
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/s/ Claude M. Stern with permission Joseph M.
Paunovich

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on this 12th day of September, 2016. Local Rule CV-5(a)(3)(A).

/s/ Joseph M. Paunovich

Joseph M. Paunovich